

REMARKS

The Office Action of April 15, 2010 has been carefully reviewed. Applicant respectfully requests the Examiner to reconsider the rejections and allow the pending claims in view of the following remarks.

Claims 1-23, 26, and 27 are pending. Claims 24 and 25 were previously canceled. Claims 23 and 26 are amended for reasons unrelated to patentability. Support for the amendment to claim 23 may be found on pages 9-10. Support for the amendment to claim 26 may be found in claims 1 and 27. No new matter is added.

I. Asserted Non-Statutory Subject Matter

The Office Action rejected claim 23 as being directed towards non-statutory subject matter under 35 U.S.C. § 101. This rejection is respectfully traversed.

Applicant has amended claim 23 in a manner consistent with the implied recommendation provided in the Office Action at pages 3-4. Therefore, this rejection should be overcome.

II. Asserted Anticipation

The Office Action rejected claims 1, 26, and 27 as anticipated under 35 U.S.C. § 102 in view of U.S. Patent 7,072,865 (Akiyama). This rejection is respectfully traversed.

Applicant first addresses the rejection of claim 1. Akiyama does not anticipate claim 1 because Akiyama does not disclose "*sending from the user device the generated broadcast key over a network,*" and also does not disclose "*wherein the generated broadcast key indicates that multicast content is to be provided to the user device,*" as presented in claim 1. Applicant addresses each of these features in turn.

First, Akiyama does not disclose the feature, "*sending from the user device the generated broadcast key over a network*," as in claim 1. The Office Action asserts otherwise, citing Figures 47-50 and col. 32, ll. 11-43 of Akiyama. However, neither the cited portions of Akiyama nor any other portion of Akiyama disclose this feature. For example, the cited text of Akiyama provides:

In the 11th embodiment, two types of individual control packets, i.e., a packet for distributing contract information and that for distributing a command (command packet), are received via a broadcast wave as in the 10th embodiment. The data format of an individual control packet used to distribute contract information is the same as that described in the first embodiment (see FIG. 38B), and the format of a command packet is substantially the same as that described in the 10th embodiment (see FIGS. 47 and 48), except that a command identifier is an identifier of a command that instructs the broadcast receiver apparatus to call the center. Such command is called a call originating command, and its packet is called a call originating command packet.

FIG. 51 is a flow chart for explaining the reception processing operation of an individual control packet via a broadcast wave by the broadcast receiver apparatus shown in FIG. 50. The processing flow will be explained below using FIG. 51 on the basis of FIG. 50.

The filter 116 passes an individual control packet received via a broadcast wave to the individual control information decoder 104. The information identifier of that packet is checked, and if the packet is a packet for distributing contract information, the same process as in the first embodiment (see FIG. 45) is executed (steps S91 to S96).

If the packet is a command packet, it is checked with reference to the command identifier in the packet if that packet is a call originating command packet (step S97). If the packet is not a call originating command packet, the process ends.

If the packet is a call originating command packet, the receiver ID of the self apparatus stored in the receiver ID storage 106 is compared with the receiver IDs in the packet one by one (step S98). If the receiver ID of the self apparatus is not contained in the packet, the process ends. If the receiver ID of the self apparatus is contained, that packet is sent to the individual control information certifying device 107.

Akiyama, col. 32, ll. 11-47.

Generally, Akiyama describes techniques for securely providing broadcast services to UAs. The cited portion of Akiyama describes two types of control packets, one for distributing contract information and one for a distributing command. The latter is referred to as a command packet. The command packet contains a command identifier that instructs the broadcast receiver to call the center. The command is called a call originating command, and the packet is a call originating command packet.

The Office Action refers specifically to the call originating command packet as being equivalent to sending from the user device the generated broadcast key. However, this assertion cannot be correct, because *the call originating command packet is initially received via the broadcast wave*. Akiyama, col. 32, ll. 12-14. Thus, this portion of Akiyama clearly states that the command packet is received from the network. Note that the identifier cited by the Office Action is already contained in the command packet. In other words, the call originating command packet is generated by the receiver *based on the identifier provided in the broadcast wave*. In other words, what the Office Action characterizes in Akiyama as being the claimed "broadcast key" is provided by the network in Akiyama.

In contrast, the broadcast key in claim 1 is generated on the user device. Thus, Akiyama does not generate a broadcast key *on the user device* and then send the same broadcast key *from the user device* over a network, as in claim 1. Rather, the user device in Akiyama receives an identifier and then uses that identifier to call the center. Akiyama does not then send a broadcast key from the user device, as claimed.

Additionally, the cited Figures do not disclose "sending from the user device the generated broadcast key over a network," as in claim 1. Figures 47 and 48 show packets, but these packets have the characteristics described in col. 32, ll. 11-47, above,

and for the reasons given above do not disclose the claimed features. Figure 49 is a flowchart of reception processing of an individual control packet (Akiyama, col. 30, ll. 66-67) and thus is not pertinent to these claim features. Figure 50 shows an arrangement of part of a broadcast receiver apparatus, but when the text describing Figure 50 is analyzed, as provided above, nothing about Figure 50 discloses these claim features. Thus, none of the cited figures disclose, "sending from the user device the generated broadcast key over a network." Accordingly, Akiyama does not disclose all of the features of claim 1.

Second, Akiyama does not disclose the feature, "*wherein the generated broadcast key indicates that multicast content is to be provided to the user device,*" as presented in claim 1. The Office Action asserts otherwise, citing Figure 50 and col. 32, ll. 4-24 and col. 2, ll. 36-43 of Akiyama. However, neither the cited portions of Akiyama nor any other portion of Akiyama disclose this feature. The citation to column 2 of Akiyama is as follows:

It is an object of the present invention to provide a broadcast receiving method, which can provide secure pay broadcast services, which can prevent wrong audience without pressing the broadcast band even when the number of subscribers increases, a broadcast receiving apparatus using the method, an information distributing method, and an information distributing apparatus using the distributing method.

Akiyama, col. 2, ll. 36-43.

This portion of Akiyama only describes providing a broadcast *receiving* method and an information distributing method. However, no indication is given that the broadcast key generated by the user device itself, indicates that multicast content is to be provided to the user device, as in claim 1. Therefore, this portion of Akiyama does not disclose this claim feature.

The citation to col. 32 of Akiyama is quoted above. Again, the cited portion of Akiyama describes that the command packet, as well as the identifier used to generate the call originating command packet, are received from the "carrier wave" of the network. this disclosure stands in contrast to the requirement in claim 1 that the broadcast key itself be sent from the user device. Furthermore, nothing in the "call originating command packet" indicates to the center that multicast content is to be provided to the user device. In fact, no identifier or broadcast key in Akiyama is both generated by the user device and indicates that multicast content is to be provided to the user device, as in claim 1.

Therefore, the cited portion of Akiyama does not disclose all of the features of claim 1. Accordingly, Akiyama does not anticipate claim 1. Because claims 26 and 27 each contain the features described above, Akiyama also does not anticipate these claims for the reasons given above.

III. Asserted Obviousness

The Office Action rejected claims 2-23 as obvious under 35 U.S.C. § 103(a) in view of Akiyama and U.S. Patent Application Publication 2005/0015583 (Sarkkinen). This rejection is respectfully traversed.

The rejection of claims 2-23 relies on two incorrect assertions regarding Akiyama stated in the anticipation rejection of claim 1, and accordingly Akiyama does not disclose the features of any of the claims depending from claim 1. Sarkkinen also does not disclose these features, and Applicant believes the Office Action agrees. Therefore, no *prima facie* obviousness rejection can be stated against claim 1 or against any of the dependent claims based a combination of Akiyama and Sarkkinen considered alone or together as a whole.

Additionally, Applicant respectfully submits that Akiyama and Sarkkinen do not disclose the features of claim 9:

9. (Original) The method of claim 1, wherein a virtual key is provided to the user device that indicates to the user device to clear the broadcast key used to access the multicast service.

The Office Action asserts otherwise, citing the ciphering key of paragraph 28 in Sarkkinen. This paragraph is as follows:

[0028] Ciphering key generation related input parameters may be sent to the user entity when the user entity registers with a service sending encrypted messages to a plurality of user entities. Alternatively, ciphering key generation related input parameters may be sent to the user entity when a transmission of encrypted messages to a plurality of user entities is activated. Thus, ciphering key generation related input parameters can be sent to the user entity by using normal control signalling.

Sarkkinen, paragraph 28.

Sarkkinen discloses that ciphering key generation parameters may be sent to the user entity upon registering with a service sending encrypted messages, or upon a transmission of encrypted messages. Sarkkinen also discloses that ciphering key generation parameters can be sent using normal control signaling.

However, no mention is made of, "*clearing the broadcast key* used to access the multicast service," as in claim 9. Furthermore, no indication is provided regarding the use of a virtual key. No other portions of Sarkkinen disclose either of these features of claim 9.

The Office Action agrees that Akiyama does not disclose these features. Because Sarkkinen also does not disclose these features, the combination of Akiyama and Sarkkinen does not disclose these features when the references are considered alone or together as a whole. Accordingly, no *prima facie* obviousness rejection has been stated against claim 9.

CONCLUSION

The Applicant respectfully submits that the Application, in its present form, is in condition for allowance. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, the Examiner is encouraged to telephone the undersigned at (972) 731-2288. The Applicant intends this communication to be a complete response to the Office Action mailed April 15, 2010.

The Commissioner is hereby authorized to charge payment of any fee associated with any of the foregoing papers submitted herewith or any fees during the prosecution of the present case to Deposit Account No. 50-1515, Conley Rose, P.C.

Respectfully submitted,

CONLEY ROSE, P.C.



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